

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Revenue Department

## Notification

RD/MCA/RLS/245/71-72

In exercise of the powers conferred by Section 26 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966, the Government of Goa, Daman and Diu is pleased to make the following amendments to the Goa, Daman and Diu Mamlatdar's Court Rules, 1967, namely: —

## 1. Short title and commencement: —

(i) These Rules may be called the Goa, Daman and Diu Mamlatdar's Court (First Amendment) Rules, 1971.

(ii) They shall come into force at once.

## 2. Deletion. —

(i) In Rule 4 the words "sub-section 2 of" from the marginal heading as well as from the body of the rule shall be deleted.

(ii) In sub-rule (i) of Rule 5 the words "or from which the land is cultivated" shall be deleted.

(iii) Sub-rule (2) of Rule 5 shall be deleted.

3. Insertion of new Rule 7-A. — After Rule 7 of the Goa, Daman and Diu Mamlatdar's Court Rules, 1967 (hereinafter referred to as the "Principal Rules" the following rule shall be inserted, namely: —

"7-A. — The injunction to be issued by the Mamlatdar under sub-section (2) of Section 20 shall be in forms VII or VIII as the case may be".

By order and in the name of the Administrator of Goa, Daman and Diu.

P. S. Bhatnagar, Secretary to the Government of Goa, Daman and Diu.

Panaji, 29th February, 1972.

## FORM VII

(Rule 7.A)

Form of injunction to be issued under Section 20, sub-section (2)

Seal of the Court.  
No. of Suit.

In the Court of the Mamlatdar of

... Plaintiff;  
... Defendant;

To,

Defendant

Whereas in the suit above specified, the Court has this day found that you have impeded (or that you have attempted to impede) the natural flow of surface water naturally rising in or falling on the plaintiff's undermentioned property by (here describe the property and the impediment erected, or attempted to be erected, found proved);

You are hereby prohibited from erecting or attempting to erect any impediment (if necessary set forth the particular kind of impediment which the defendant is enjoined not to erect) to the natural flow of surface water from the said plaintiff's said property on to your property otherwise than under authority of a competent Civil Court.

Dated this                      day of

(Signed)  
Mamlatdar

## FORM VIII

(Rule 7.A)

Form of injunction to be issued under Section 20, sub-section (2)

Seal of the Court.  
No. of Suit.

In the Court of the Mamlatdar of

... Plaintiff;  
... Defendant;

To,

Defendant

Whereas in the suit above specified, the Court has this day found that you have disturbed or obstructed (or that you have attempted to disturb or obstruct) the said plaintiff in this possession of the under-mentioned property (or enjoyment of the under-mentioned use of water or use of roads, or otherwise as the case may be) by (here described the disturbance or obstruction or attempted disturbance or obstruction found proved);

You are hereby prohibited from making any further attempt to disturb or obstruct (if necessary set forth the particular kind of disturbance or obstruction which the

defendant is enjoined not to repeat) the said plaintiff in his possession of the said property (or otherwise as the case may be) otherwise than in execution of the decree of a competent Civil Court.

Dated this       day of       19...

(Signed)  
Mamlatdar

## Law and Judicial Department

### Corrigendum

LD/1/72

In the Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly (Fourth Amendment) Act, 1971, published under Government Notification No. LD/1/72 in the Government Gazette Series I, No. 46 dated 10th February, 1972, the date of assent "25th July, 1972" may be substituted by "25th January, 1972".

*M. S. Borkar*, Under Secretary.

Panaji, 4th March, 1972.

### Corrigendum

LD/2/72

In the Maharashtra Co-operative Societies (Second Goa, Daman and Diu Amendment) Act, 1971 published under Government Notification No. LD/2/72 in the Government Gazette Series I No. 46 dated 10th February, 1972 the date of assent "25th July, 1972" may be substituted "25th January, 1972".

*M. S. Borkar*, Under Secretary.

Panaji, 4th March, 1972.

## Local Self Government Department

### Notification

1-138-71-LSG

In exercise of the powers conferred by clause (d) of sub-section (3) of section 6 of the Indian Fisheries Act 1897 (4 of 1897) and all other powers enabling him in this behalf the Lt. Governor of Goa, Daman and Diu hereby makes as follows, the following rules namely:—

1. **Short title, extent and commencement.**— (1) These rules shall be called "The Goa, Daman and Diu Fisheries (Fishing Stakes) Rules, 1971".

(2) They shall extend to all waters, excluding private waters in the entire Territory of Goa, Daman and Diu and shall come into force from the date of their publication in the Official Gazette.

2. **For the purpose of these Rules:**—

(i) "Captain of Ports" means Captain of Ports of the Government of Goa, Daman and Diu;

(ii) "Director of Fisheries" means Director of Fisheries of the Government of Goa, Daman and Diu;

(iii) "Fishing Stake" or "stake" means a trap or other contrivance for catching fish, fixed in the soil or made stationary in any other way;

(iv) "Form" means a form appended to these rules;

(v) "Government" means Government of Goa, Daman and Diu;

(vi) "water" means a creek, river, canal stream or any water course or tank where fishing by means of stakes is possible, and includes, the sea within a distance of one marine league from the sea coast.

3. **Permission for erecting stakes.**— (1) No fishing stakes shall be fixed or erected on water beds except with the prior permission of the Director of Fisheries;

(2) The permission under sub-rule (1) shall be given by the Director of Fisheries in consultation with the Captain of Ports, and shall be subject to the conditions prescribed in Rule 4.

(3) The fishing stakes which are in operation on the date of the coming into force of these rules shall be treated as having been permitted under sub-rule (1).

4. **Conditions for grant of permission.**— (1) The permission to be granted under Rule 3 shall be subject to the following conditions, namely:—

(i) No obstruction is caused to the normal fishing activities, if any, which may usually be carried out in the locality;

(ii) The location is not within a distance of 500 metres from any existing set of stakes;

(iii) No obstruction is caused to navigation in the water on the location is not within the normal navigational channel of the water;

Provided that, where the navigational channel in the water is not clearly demarcated, the part of such water which is deeper or otherwise convenient for navigation, shall be deemed to be the navigational channel.

(iv) The location is not within the waters reserved or traditionally used for anchorage of crafts and boats;

(v) No formation of sand or silt deposits is caused; and

(vi) Such technical requirements as the Director of Fisheries or the Captain of Ports may from time to time determine are complied with.

5. **Procedure for obtaining permission to erect fishing stakes.**— (1) A person intending to obtain permission for erecting fishing stakes in any water shall make an application to the Director of Fisheries in form 'A' and shall deposit with him an amount of Rupees three hundred to meet the expenses of advertisement of the notices to be issued under sub-rule (3).

(2) On receipt of such application and deposit the Director of Fisheries shall specify himself in consultation with the Captain of Ports whether the location of the fishing stakes proposed to be erected

by the applicant prima-facie conforms to the conditions prescribed in rule 4.

(3) Thereafter the Director of Fisheries shall publish a notice in Form 'B' in at least three local newspapers calling for objection if any from the members of the public to the proposed grant of permission for erecting the proposed fishing stakes, within 15 days from the date of the publication of the notification in the newspapers.

(4) After considering the objections, if any, received within the prescribed period and after holding such further enquiry as he deems necessary, the Director of Fisheries shall decide whether the permission for erecting of fishing stakes should be granted or rejected.

(5) Where the Director of Fisheries decide to grant permission the same shall be granted in form 'C' to the persons who had applied for such permission, on payment of a fee of Rs. 5/-.

(6) On receipt of the permission under sub-rule (5) the recipient of the permission shall erect the stakes in accordance with the conditions subject to which the permission has been granted within a period of one month or such further period as may be specified by the Director of Fisheries.

(7) If the stakes are not erected within the prescribed period the permission shall be deemed to have lapsed and the Director of Fisheries shall be free to permit any other person to erect the stakes in accordance with these rules.

(8) The Director of Fisheries shall refund to the applicant the balance, if any, from the amount of deposit paid under sub-rule (1) after meeting therefrom the expenses incurred by him for publication of the notice under sub-rule (3).

(9) Once the stakes are granted, they shall become the property of the Government and no person shall remove, disturb or in any way damage the same.

**6. Grant of lease of right of fishing by means of stakes.** — (1) The lease or the right of fishing at the stakes erected under the permission duly granted or deemed to have been granted under rule 3 shall be given for a period not exceeding 3 years by holding public auction;

Provided that where a Cooperative Society whose members are all persons who personally carry out the various operations of fishing at the stakes, applies for the lease of such fishing rights permission may be granted without holding a public auction.

(2) For the purpose of holding public auction under sub-rule (1) the Director of Fisheries shall issue a public notice in the Official Gazette as well as in local newspapers giving therein the following particulars:

- (a) location and size of stakes;
- (b) the upset annual rent;
- (c) the period for which the fishing right is being auctioned;
- (d) the fact whether the auction is being held for the first time after the erection of the stakes; and if so, the expenses on advertise-

ment paid under sub-rule (8) of rule 5 by the person who erected the stakes;

- (e) the place, the time and the date of holding the auction.

(3) Where the auction of fishing right is held for the first time after the erection of fishing stakes, the persons who erected the stakes, should be issued an individual notice inviting his attention to the public notice, a copy of which should be appended to the notice, and he should be called upon to remain present at the auction either personally or through an authorised agent.

(4) On the date and time fixed for auction, the Director of Fisheries or any officer designated by him in this behalf shall hold the public auction and shall record in writing the proceedings of the auction.

(5) Where the auction of fishing right is held for the first time after the erection of the stakes and where the person who erected the stakes is present at the time of auction and is not the highest bidder, the officer holding the auction shall first call upon such person, to state whether he is willing to take the lease of the fishing right at the highest bid and if so, to call upon him to deposit immediately one-third of the amount of the highest bid with the officer conducting the auction. If such person is not willing to take the lease or fails to make a deposit as aforesaid, the highest bidder should be called upon to make a deposit as aforesaid and also of the amount specified in sub-rule (2) (d).

(6) If the highest bid offered is more than the upset annual rent, the auction proceedings shall be confirmed by the Director of Fisheries and thereupon the lease of the right of fishing at the stakes shall be granted to the highest bidder or as the case may be, to the person who erected the stakes, for the period for which the auction has been held and the amount specified in sub-rule (2) (d), if required to be deposited by the highest bidder under sub-rule (5) shall be paid to the person who erected the stakes.

(7) Where a Cooperative Society referred to in the proviso to sub-rule (1) applies for the grant of lease of fishing stakes the Director of Fisheries shall, after making such enquiries as he may deem necessary, grant the fishing right for a period not exceeding 3 years to such Society on a rent which shall be the average of the rent obtained for the stake during a period of 6 years immediately preceding.

Provided that before such lease is granted, the Society shall be required to deposit with the Director of Fisheries an amount to one-third of the rent.

Provided further that where the lease of the fishing right at the stakes is being given for the first time after the erection of the stakes and where the person erecting the stakes is other than such Society, the Society shall be required to pay to the person who erected the stakes the expenses of advertisement paid by him under sub-rule (8) of rule 5.

**7. Manner of payment of annual rent.** — (1) The annual rent payable by a person or a Cooperative Society to whom right of fishing at the fishing

stakes has been granted under rule 6 shall be paid as follows:

- (a) The amount deposited under sub-rule (5) of rule 6 shall be the first instalment of the annual rent payable for the first year of the lease of the fishing rights.
- (b) The subsequent instalments shall be paid on or before such dates as may be fixed by the Director of Fisheries.

(2) If any instalment is not paid within the prescribed period the defaulter shall be liable to pay interest at the rate of 6% per annum on the amount of the instalments due from him for the period of delay.

(3) Where a person is in arrears of two instalments the right of fishing given to him shall stand cancelled and the Director of Fisheries shall again auction the fishing rights in respect of the stakes allotted to such defaulter.

**8. Forfeiture of stakes, nets, etc.**—If any stakes are erected in contravention of the provisions of these rules, or if fishing is done at the stakes in contravention of the lease of fishing rights or after the expiry of the period of the lease of the fishing rights or after the cancellation of the lease of such rights, the Director of Fisheries or any officer designated by him in this behalf shall be empowered to forfeit to Government the stakes, fishing nets, or any other fishing gear found to have been used for the aforesaid acts and the person doing such acts shall be liable for the payment of fine as provided in rule 9.

**9. Penalty.**—Breach of any of these rules shall be punishable with fine which may extend to one hundred rupees and in the case of a continuing breach, with a further fine which may extend to ten rupees for every day after the date of first conviction, during which the breach is proved to have been persisted in.

**10. Authority competent to impose fines.**—The Director of Fisheries shall be competent to impose the fine prescribed in rule 9.

**11.** The arrears of instalments of lease rent as well as the amount of fine leviable under rule 9 if not paid on the dates fixed by the Director of Fisheries, shall be recovered as arrears of land revenue.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

*P. S. Bhatnagar*, Secretary (Revenue).

Panaji, 14th February, 1972.

#### FORM 'A'

(Sub-Rule (1) of Rule 5)

To  
The Director of Fisheries,  
Government of Goa, Daman and Diu,  
Panaji.

I, ... (full name), resident of ... of ... (taluka) hereby apply for permission to erect ... (number of stakes at ... (approximate location)). To the best of my knowledge the erection of the fishing stakes applied for above conform

to the conditions mentioned in Rule 4 of the Goa, Daman and Diu Fisheries (Fishing Stakes) Rules, 1971.

I am also depositing on this date an amount of Rupees three hundred as required under rule (1) of Rule 5 of the said Fisheries Rules.

Yours faithfully,

(Signature of the applicant)

My address is as under:

... (Full name)

... (Village) ... (taluka)

Post ... (nearest Post Office) ... (District)

#### FORM B

(Sub-Rule (3) of Rule 5)

#### Notice

Notice is hereby given that Shri ... resident of ... has applied for grant of permission to erect ... (number) fishing stakes at ... (exact location). Any person directly interested in the above may within 15 days from the date of publication of this notice send his/her objections, if any either in respect of locality or of the grant of permission to the said applicant, to the Director of Fisheries, Panaji.

Panaji,

Dated:

(Signature)

Director of Fisheries.

#### FORM C

(Sub-Rule (5) of Rule 5)

#### Permission for erecting fishing stakes

Permission is hereby granted to Shri ... resident of ... for erecting ... (number) fishing stakes at ... (exact location). Shri ... has paid Rs. 5/- (Rupees five only) as fee for the grant of this permission as required under sub-rule (5) of Rule 5 of the Goa, Daman and Diu Fisheries (Fishing Stakes) Rules, 1971.

Panaji,

Dated:

(Signature)

Director of Fisheries.

### Food and Civil Supplies Department

#### ORDER

5-13/72/FCS-CS

In exercise of the powers conferred by section 3 of the Essential Commodities Act 1955 (10 of 1955) read with the notification of the Government of India in the Ministry of Food and Agriculture, C. D. and co-operation (Department of Food) No. G. S. R. IIII dated 24th July 1967 and with the concurrence of the Central Government, the Lieut. Governor of Goa, Daman and Diu hereby makes the following order so as to further amend the Goa, Daman and Diu sugar Dealers' Licensing order 1963 hereinafter referred to as the 'Principal order' namely:—

1. (i) This order may be called the Goa, Daman and Diu, Sugar Dealers' Licensing (Tenth Amendment) Order 1972.
- (ii) It shall come into force from the date of its publication in the official Gazette.

2. In the Principal order, for the figures and words "100 Quintals" wherever they occur, the figures and words "50 Quintals" shall be substituted.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

*T. Kipgen*, Development Commissioner.

Panaji, 22nd February, 1972.

### ORDER

3-36/71/FCS-CS

In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the notification of the Government of India in the Ministry of Food and Agriculture, C. D. and Co-operation (Deptt. of Food) No. G.S.R. IIII dated 24th July 1967 and with the concurrence of the Central Government, the Lieut. Governor of Goa, Daman and Diu hereby makes the following order to amend the Goa, Daman and Diu Guest Control order 1968, hereinafter referred to as 'the Principal order' namely: —

1. (i) This order may be called the Goa, Daman and Diu Guest Control (First Amendment) order 1972.
- (ii) It shall come into force from the date of its publication in the Official Gazette.

#### 2. In the principal order —

- (i) In sub-clauses (1) (2) and (3) of clause 3 for the words "one hundred and fifty" wherever they occur the words "one hundred" shall be substituted.
- (ii) The clause 4 shall be omitted.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

*G. M. Sardessai*, Under Secretary (Planning).

Panaji, 2nd March, 1972.

Labour and Information Department

### ORDER

LC/1/72

The following Notification from the Government of India, Ministry of Labour and Rehabilitation, (Department of Labour and Employment, New Delhi, is hereby republished for the information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

*P. Noronha*, Under Secretary, Industries and Labour Department.

Panaji, 29th February, 1971.

*Dated New Delhi, the 22nd January, 1972*

### Notification

G. S. R. — The following draft of rules further to amend the Industrial Disputes (Central) Rules, 1957, which the Central Government proposes to make, in exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (14 of 1947), is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th March, 1972.

2. Any objections or suggestions which may be received from any person with respect to the said draft on or before the date so specified, will be considered by the Central Government.

### DRAFT RULES

1. These rules may be called the Industrial Disputes (Central) Amendment Rules, 1972.

2. In Form 'C' of the Industrial Disputes (Central) Rules, 1957, for the brackets and words "(here specify the period agreed upon by the parties)", the following brackets and words shall be substituted, namely: —

"(here specify the period agreed upon by the parties) of publication of this agreement in the Official Gazette by the appropriate Government".

Sd/-

*S. S. SAHASRANAMAN*

Under Secretary

(F.No.S.65012/4/71-LR.I)

### Notification

LC/18/EPF/72/668

In exercise of the powers conferred by clause (b) of section 19 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Government of Goa, Daman and Diu hereby directs that the power exercisable by it under section 8 of the said Act to recover as an arrear of land revenue any amount due, from the employer of any establishment in respect of which it is the appropriate Government, shall also be exercisable by the Collector of Goa, Collector of Daman and Civil Administrator Diu in the Districts of Goa, Daman and Diu, respectively.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

*P. Noronha*, Under Secretary, Industries & Labour.

Panaji, 2nd March, 1972.

## Mormugao Port Trust

## Notification

MPT/IGA(77)/72

As required under Section 124(2) of the Major Port Trusts Act, 1963, the following amendment to the Mormugao Port Employees' (Supplementary Leave) Regulations, 1966 adopted by the Board of Trustees is hereby published: —

«Delete Regulation 8 of Part III of Mormugao Port Employees (Supplementary Leave) Regulations, 1966 and renumber the following regulations as 8 to 15».

By order,

*Shivakumar Dhindaw*

Secretary

Mormugao, 22nd Febraury, 1972.

Government Press

## Notice

The subscribers to the Official Gazette are kindly reminded that their present subscription term ends on the 31st March, 1972, which is the close of the financial year.

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